

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

JESSE LEE BAKER,

Plaintiff,

vs.

WARDEN MCTIGHE; CAPTAIN
WISRSHING; ASSISTANT
WARDEN NELSON; D.O.C.
CONTRAT BED MONITOR
ALSTEAD; CORECIVIC OF
AMERICA,

Defendants.

CV 21-66-GF-BMM-JTJ

ORDER

United States Magistrate Judge John Johnston entered his Findings and Recommendations in this case on December 2, 2021. (Doc. 10). Judge Johnston recommended that Plaintiff Jesse Lee Baker's Complaint (Doc. 2) be dismissed with prejudice for failure to prosecute and failure to comply with the Court's order. (Doc. 10).

The Court stayed this matter on July 22, 2021, and provided Baker a 90-day timeframe within which to file a status report. (Doc. 7). Baker failed to file a status report by the October 20, 2021, deadline. The Court ordered Baker to show cause as to why this matter should not be dismissed for failure to prosecute by November

29, 2021. (Doc. 9). Baker has failed to respond to the show cause order as of today's date.

Neither party filed objections to the Findings and Recommendations. The parties have waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted). Reviewing for clear error and finding none, the Court adopts Judge DeSoto's recommendations in full.

ORDER

Accordingly, **IT IS ORDERED:**

1. Baker's Complaint (Doc. 2) is **DISMISSED** with prejudice failure to prosecute and failure to comply with the Court's orders.
2. The Clerk of Court shall close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

3. The Clerk of Court shall have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith.

DATED this 23rd day of December, 2021.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive, flowing style.

Brian Morris, Chief District Judge
United States District Court